



COUNTY OF LOS ANGELES

CLAIMS BOARD

500 WEST TEMPLE STREET

LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

October 6, 2003

Maria M. Oms
Auditor-Controller
Lloyd W. Pellman
Office of the County Counsel
Rocky Armfield
Chief Administrative Office

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: **Carla Margeson and Marlene Stevens v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 281 912

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$1,075,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Department of Health Services.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report is being transmitted to you under separate cover by the Department of Health Services.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1754.

Very truly yours,

Maria M. Oms, Chairperson
Los Angeles County Claims Board

MMO/fsl

Enclosures

MEMORANDUM

September 29, 2003

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: MELANIE E. LOMAX
Melanie E. Lomax and Associates

ROGER H. GRANBO
Principal Deputy County Counsel
General Litigation Division

RE: Carla Margeson and Marlene Stevens v. County of Los Angeles
Los Angeles Superior Court Case No. BC 281912

DATE OF
INCIDENT: December 18, 2001

AUTHORITY
REQUESTED: \$1,075,000

COUNTY
DEPARTMENT: Department of Health Services

CLAIMS BOARD ACTION:

☐ Approve

☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval

ROCKY A. ARMFIELD

Chief Administrative Office

LLOYD W. PELLMAN

County Counsel

MARIA M. OMS

Auditor-Controller

on _____, 2003

SUMMARY

This is a recommendation to settle for \$1,075,000, the lawsuit brought by Carla Margeson and Marlene Stevens, who were injured when they were struck by a car being driven by an employee of the Department of Health Services.

LEGAL PRINCIPLES

A public entity is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

SUMMARY OF FACTS

On December 18, 2001, at approximately 12:15 p.m., an employee of the Department of Health Services, in the course and scope of her duties, was making a left turn from westbound Pico Boulevard onto southbound Union Avenue when she had a seizure, blacked out, and lost control of her car. Her car jumped the curb and struck Carla Margeson and Marlene Stevens, who were walking southbound on the sidewalk on the west side of Union Avenue. It is estimated that the car was traveling approximately 25 miles per hour.

Carla Margeson sustained a fracture to her left arm, her left leg, a left shoulder impingement, and soft tissue injuries to her neck, shoulders, back, and ankles. She underwent three surgeries to repair her injuries.

Marlene Stevens sustained a torn ligament in her shoulder, torn tendons in her knee, and soft tissue injuries to her head, back, shoulders, and legs. She will require a knee surgery.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Carla Margeson's medical expenses	\$ 124,000
Carla Margeson's loss of earnings	\$ 60,000
Carla Margeson's pain and suffering	\$1,000,000
Marlene Stevens' medical expenses	\$ 100,000
Marlene Stevens' loss of earnings	\$ 73,000
Marlene Stevens' pain and suffering	<u>\$ 500,000</u>
Total	<u>\$1,857,000</u>

The proposed settlement calls for the County to pay Carla Margeson \$725,000, and Marlene Stevens \$350,000 for a total settlement of \$1,075,000 for all claims for damages, costs, and attorney's fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

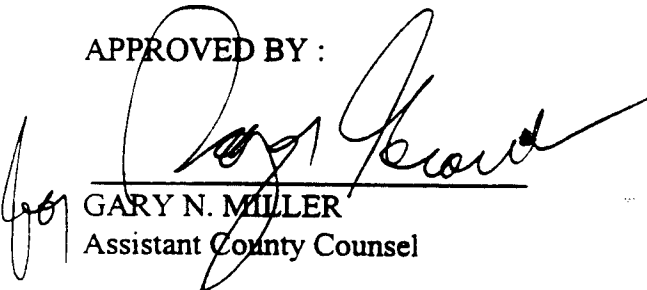
Expenses incurred by the County in defense of this matter are attorney's fees of \$45,375 and \$18,780 in costs.

EVALUATION

Liability in this case is not disputed. The employee had a seizure, and lost control of her car resulting in serious injuries to Carla Margeson and Marlene Stevens. A reasonable settlement at this time will avoid further litigation costs and a jury verdict that could exceed the proposed settlement.

We join with our third-party administrator, Carl Warren and Company, and our private counsel, Melanie E. Lomax and Associates, in recommending a settlement of this matter in the amount of \$1,075,000. The Department of Health Services concurs in this settlement recommendation.

APPROVED BY :


GARY N. MILLER
Assistant County Counsel

RHG:scr